



MEMO ENDORSED

THE CITY OF NEW YORK  
LAW DEPARTMENT

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**BY FACSIMILE**

The Honorable James C. Francis IV  
United States Magistrate Judge, Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1960  
New York, New York 10007-1312

Re: *Concepcion v. City of New York, et al.* 05-CV-8501 (KMK)(JCF)

Dear Judge Francis:

I write to inform the Court that plaintiff Jody Concepcion (Plaintiff) is in non-compliance with Your Honor's October 23, 2006 Order that "plaintiff shall provide all releases for psychiatric and pharmaceutical providers by October 31, 2006, failing which her claims of emotional distress shall be dismissed immediately." A copy of Your Honor's October 23, 2006 Order is attached as Ex. A. Accordingly, consistent with Your Honor's Order, defendants respectfully request that the Court dismiss Plaintiff's emotional distress claims. Thank you. ||

Very truly yours,

*Jeffrey A. Dougherty*  
Jeffrey A. Dougherty

cc: Karen D. Wohlforth, Esq. (by Facsimile)  
Zelda Stewart, Esq. (by Facsimile)

*Plaintiff's claims of mental and emotional distress are dismissed.*

*Application granted.*

*SO ORDERED.*

*James C. Francis IV*  
USMJ